

BRUN-BUISSON et al  
Appl. No. 10/559,707  
April 7, 2008

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### **REMARKS/ARGUMENTS**

Reconsideration of this application is requested. Claims 11-32 are in the case.

#### **I. THE FORMAL REJECTION**

Claims 12-19 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for the reasons in the paragraph bridging pages 2 and 3 of the Action. In addition, claim 20 stands rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite in view of the term "substantially". Those rejections are respectfully traversed.

In response to the first aspect of the formal rejection, the claims have been amended to remove preferred or optional features, and those features are now represented in separate dependent claims. Withdrawal of this aspect of the formal rejection is respectfully requested.

With respect to the rejection of claim 20, without conceding to the merit of this rejection, the term "substantially" has been cancelled without prejudice from that claim. Withdrawal of this aspect of the formal rejection is now respectfully requested.

#### **II. THE OBVIOUSNESS REJECTION**

Claims 11, 12, and 14-19 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent 3,428,684; Kholodil (1954) and Kholodil (1957). The rejection is respectfully traversed.

As claimed, the process of the invention is for preparing an ethanolamine having an improved color quality. The process comprises contacting an ethanolamine with an

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activated carbon free of one or more metals selected from rhenium, ruthenium, rhodium, palladium, osmium, iridium, platinum and silver, under an atmosphere free of hydrogen.

The present invention centers on the discovery that benefits are realized by purifying ethanolamine with activated carbon which is free of the specified metals and in a hydrogen-free atmosphere. This methodology is not disclosed or suggested by the cited art. Simply because the cited art is silent on claimed features does not mean that the carbon is free of the metals recited in the claims and/or that there is no hydrogen present.

U.S. patent 3,428,684 relates to a process in which alkanolamines are produced by hydrogenation of the corresponding nitroalkanols. There is no suggestion of the invention as claimed with or without the secondary references.

In light of the above, it is clear that one of ordinary skill would not have been motivated to arrive at the presently claimed invention based on the three cited references. Absent any such motivation, a *prima facie* case of obviousness has not been generated in this case. Reconsideration and withdrawal of the outstanding obviousness rejection are accordingly respectfully requested.

### III. CLAIM AMENDMENTS

As noted above, the claims have been amended to remove optional and preferred statements and these have been made the subject of separate dependent claims. In addition, the characterised in that European-style language has been replaced with more conventional U.S. claim terminology. No new matter is entered.

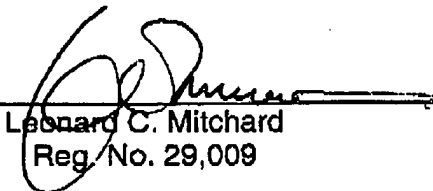
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Favorable action is awaited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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